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SEPTEMBER 19, 1996

Referred to the Committee on the Judiciary

AN ACT

To protect the national information infrastructure, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Information
5 Infrastructure Protection Act of 1996”.

1 **SEC. 2. COMPUTER CRIME.**

2 Section 1030 of title 18, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) by striking “knowingly accesses”
7 and inserting “having knowingly accessed”;

8 (ii) by striking “exceeds” and insert-
9 ing “exceeding”;

10 (iii) by striking “obtains information”
11 and inserting “having obtained informa-
12 tion”;

13 (iv) by striking “the intent or”;

14 (v) by striking “is to be used” and in-
15 serting “could be used”; and

16 (vi) by inserting before the semicolon
17 at the end the following: “willfully commu-
18 nicates, delivers, transmits, or causes to be
19 communicated, delivered, or transmitted,
20 or attempts to communicate, deliver, trans-
21 mit or cause to be communicated, deliv-
22 ered, or transmitted the same to any per-
23 son not entitled to receive it, or willfully
24 retains the same and fails to deliver it to
25 the officer or employee of the United
26 States entitled to receive it”;

1 (B) in paragraph (2)—

2 (i) by striking “obtains information”

3 and inserting “obtains—

4 “(A) information”; and

5 (ii) by adding at the end the following

6 new subparagraphs:

7 “(B) information from any department or

8 agency of the United States; or

9 “(C) information from any protected com-

10 puter if the conduct involved an interstate or

11 foreign communication;”;

12 (C) in paragraph (3)—

13 (i) by inserting “nonpublic” before

14 “computer of a department or agency”;

15 (ii) by striking “adversely”; and

16 (iii) by striking “the use of the Gov-

17 ernment’s operation of such computer”

18 and inserting “that use by or for the Gov-

19 ernment of the United States”;

20 (D) in paragraph (4)—

21 (i) by striking “Federal interest” and

22 inserting “protected”; and

23 (ii) by inserting before the semicolon

24 the following: “and the value of such use

1 is not more than \$5,000 in any 1-year pe-
2 riod”;

3 (E) by striking paragraph (5) and insert-
4 ing the following:

5 “(5)(A) knowingly causes the transmission of a
6 program, information, code, or command, and as a
7 result of such conduct, intentionally causes damage
8 without authorization, to a protected computer;

9 “(B) intentionally accesses a protected com-
10 puter without authorization, and as a result of such
11 conduct, recklessly causes damage; or

12 “(C) intentionally accesses a protected com-
13 puter without authorization, and as a result of such
14 conduct, causes damage;” and

15 (F) by inserting after paragraph (6) the
16 following new paragraph:

17 “(7) with intent to extort from any person,
18 firm, association, educational institution, financial
19 institution, government entity, or other legal entity,
20 any money or other thing of value, transmits in
21 interstate or foreign commerce any communication
22 containing any threat to cause damage to a pro-
23 tected computer;”;

24 (2) in subsection (c)—

1 (A) in paragraph (1), by striking “such
2 subsection” each place that term appears and
3 inserting “this section”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (A)—

6 (I) by inserting “, (a)(5)(C),”
7 after “(a)(3)”;

8 (II) by striking “such sub-
9 section” and inserting “this section”;

10 (ii) by redesignating subparagraph
11 (B) as subparagraph (C);

12 (iii) by inserting immediately after
13 subparagraph (A) the following:

14 “(B) a fine under this title or imprison-
15 ment for not more than 5 years, or both, in the
16 case of an offense under subsection (a)(2), if—

17 “(i) the offense was committed for
18 purposes of commercial advantage or pri-
19 vate financial gain;

20 “(ii) the offense was committed in
21 furtherance of any criminal or tortious act
22 in violation of the Constitution or laws of
23 the United States or of any State; or

24 “(iii) the value of the information ob-
25 tained exceeds \$5,000;”;

1 (iv) in subparagraph (C) (as redesign-
 2 nated)—

3 (I) by striking “such subsection”
 4 and inserting “this section”; and

5 (II) by adding “and” at the end;
 6 (C) in paragraph (3)—

7 (i) in subparagraph (A)—

8 (I) by striking “(a)(4) or
 9 (a)(5)(A)” and inserting “(a)(4),
 10 (a)(5)(A), (a)(5)(B), or (a)(7)”; and

11 (II) by striking “such sub-
 12 section” and inserting “this section”;
 13 and

14 (ii) in subparagraph (B)—

15 (I) by striking “(a)(4) or (a)(5)”
 16 and inserting “(a)(4), (a)(5)(A),
 17 (a)(5)(B), (a)(5)(C), or (a)(7)”; and

18 (II) by striking “such sub-
 19 section” and inserting “this section”;
 20 and

21 (D) by striking paragraph (4);

22 (3) in subsection (d), by inserting “subsections
 23 (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and
 24 (a)(6) of” before “this section.”;

25 (4) in subsection (e)—

1 (A) in paragraph (2)—

2 (i) by striking “Federal interest” and
3 inserting “protected”;

4 (ii) in subparagraph (A), by striking
5 “the use of the financial institution’s oper-
6 ation or the Government’s operation of
7 such computer” and inserting “that use by
8 or for the financial institution or the Gov-
9 ernment”; and

10 (iii) by striking subparagraph (B) and
11 inserting the following:

12 “(B) which is used in interstate or foreign
13 commerce or communication;”;

14 (B) in paragraph (6), by striking “and” at
15 the end;

16 (C) in paragraph (7), by striking the pe-
17 riod at the end and inserting “; and”; and

18 (D) by adding at the end the following new
19 paragraphs:

20 “(8) the term ‘damage’ means any impairment
21 to the integrity or availability of data, a program, a
22 system, or information, that—

23 “(A) causes loss aggregating at least
24 \$5,000 in value during any 1-year period to one
25 or more individuals;

1 “(B) modifies or impairs, or potentially
 2 modifies or impairs, the medical examination,
 3 diagnosis, treatment, or care of one or more in-
 4 dividuals;

5 “(C) causes physical injury to any person;
 6 or

7 “(D) threatens public health or safety; and

8 “(9) the term ‘government entity’ includes the
 9 Government of the United States, any State or polit-
 10 ical subdivision of the United States, any foreign
 11 country, and any state, province, municipality, or
 12 other political subdivision of a foreign country.”; and

13 (5) in subsection (g)—

14 (A) by striking “, other than a violation of
 15 subsection (a)(5)(B),”; and

16 (B) by striking “of any subsection other
 17 than subsection (a)(5)(A)(ii)(II)(bb) or
 18 (a)(5)(B)(ii)(II)(bb)” and inserting “involving
 19 damage as defined in subsection (e)(8)(A)”.

20 **SEC. 3. TRANSFER OF PERSONS FOUND NOT GUILTY BY**
 21 **REASON OF INSANITY.**

22 (a) AMENDMENT OF SECTION 4243 OF TITLE 18.—
 23 Section 4243 of title 18, United States Code, is amended
 24 by adding at the end the following new subsection:

1 “(i) CERTAIN PERSONS FOUND NOT GUILTY BY
2 REASON OF INSANITY IN THE DISTRICT OF COLUMBIA.—

3 “(1) TRANSFER TO CUSTODY OF THE ATTOR-
4 NEY GENERAL.—Notwithstanding section 301(h) of
5 title 24 of the District of Columbia Code, and not-
6 withstanding subsection 4247(j) of this title, all per-
7 sons who have been committed to a hospital for the
8 mentally ill pursuant to section 301(d)(1) of title 24
9 of the District of Columbia Code, and for whom the
10 United States has continuing financial responsibility,
11 may be transferred to the custody of the Attorney
12 General, who shall hospitalize the person for treat-
13 ment in a suitable facility.

14 “(2) APPLICATION.—

15 “(A) IN GENERAL.—The Attorney General
16 may establish custody over such persons by fil-
17 ing an application in the United States District
18 Court for the District of Columbia, demonstrat-
19 ing that the person to be transferred is a per-
20 son described in this subsection.

21 “(B) NOTICE.—The Attorney General
22 shall, by any means reasonably designed to do
23 so, provide written notice of the proposed trans-
24 fer of custody to such person or such person’s
25 guardian, legal representative, or other lawful

1 agent. The person to be transferred shall be af-
2 fforded an opportunity, not to exceed 15 days, to
3 respond to the proposed transfer of custody,
4 and may, at the court's discretion, be afforded
5 a hearing on the proposed transfer of custody.
6 Such hearing, if granted, shall be limited to a
7 determination of whether the constitutional
8 rights of such person would be violated by the
9 proposed transfer of custody.

10 “(C) ORDER.—Upon application of the At-
11 torney General, the court shall order the person
12 transferred to the custody of the Attorney Gen-
13 eral, unless, pursuant to a hearing under this
14 paragraph, the court finds that the proposed
15 transfer would violate a right of such person
16 under the United States Constitution.

17 “(D) EFFECT.—Nothing in this paragraph
18 shall be construed to—

19 “(i) create in any person a liberty in-
20 terest in being granted a hearing or notice
21 on any matter;

22 “(ii) create in favor of any person a
23 cause of action against the United States
24 or any officer or employee of the United
25 States; or

1 “(iii) limit in any manner or degree
2 the ability of the Attorney General to
3 move, transfer, or otherwise manage any
4 person committed to the custody of the At-
5 torney General.

6 “(3) CONSTRUCTION WITH OTHER SECTIONS.—
7 Subsections (f) and (g) and section 4247 shall apply
8 to any person transferred to the custody of the At-
9 torney General pursuant to this subsection.”.

10 (b) TRANSFER OF RECORDS.—Notwithstanding any
11 provision of the District of Columbia Code or any other
12 provision of law, the District of Columbia and St. Eliza-
13 beth’s Hospital—

14 (1) not later than 30 days after the date of en-
15 actment of this Act, shall provide to the Attorney
16 General copies of all records in the custody or con-
17 trol of the District or the Hospital on such date of
18 enactment pertaining to persons described in section
19 4243(i) of title 18, United States Code (as added by
20 subsection (a));

21 (2) not later than 30 days after the creation of
22 any records by employees, agents, or contractors of
23 the District of Columbia or of St. Elizabeth’s Hos-
24 pital pertaining to persons described in section
25 4243(i) of title 18, United States Code, provide to

1 the Attorney General copies of all such records cre-
2 ated after the date of enactment of this Act;

3 (3) shall not prevent or impede any employee,
4 agent, or contractor of the District of Columbia or
5 of St. Elizabeth's Hospital who has obtained knowl-
6 edge of the persons described in section 4243(i) of
7 title 18, United States Code, in the employee's pro-
8 fessional capacity from providing that knowledge to
9 the Attorney General, nor shall civil or criminal li-
10 ability attach to such employees, agents, or contrac-
11 tors who provide such knowledge; and

12 (4) shall not prevent or impede interviews of
13 persons described in section 4243(i) of title 18,
14 United States Code, by representatives of the Attor-
15 ney General, if such persons voluntarily consent to
16 such interviews.

17 (c) CLARIFICATION OF EFFECT ON CERTAIN TESTI-
18 MONIAL PRIVILEGES.—The amendments made by this
19 section shall not be construed to affect in any manner any
20 doctor-patient or psychotherapist-patient testimonial privi-
21 lege that may be otherwise applicable to persons found not
22 guilty by reason of insanity and affected by this section.

23 (d) SEVERABILITY.—If any provision of this section,
24 an amendment made by this section, or the application
25 of such provision or amendment to any person or cir-

1 cumstance is held to be unconstitutional, the remainder
2 of this section and the amendments made by this section
3 shall not be affected thereby.

4 **SEC. 4. ESTABLISHING BOYS AND GIRLS CLUBS.**

5 (a) FINDINGS AND PURPOSE.—

6 (1) FINDINGS.—The Congress finds that—

7 (A) the Boys and Girls Clubs of America,
8 chartered by an Act of Congress on December
9 10, 1991, during its 90-year history as a na-
10 tional organization, has proven itself as a posi-
11 tive force in the communities it serves;

12 (B) there are 1,810 Boys and Girls Clubs
13 facilities throughout the United States, Puerto
14 Rico, and the United States Virgin Islands,
15 serving 2,420,000 youths nationwide;

16 (C) 71 percent of the young people who
17 benefit from Boys and Girls Clubs programs
18 live in our inner cities and urban areas;

19 (D) Boys and Girls Clubs are locally run
20 and have been exceptionally successful in bal-
21 ancing public funds with private sector dona-
22 tions and maximizing community involvement;

23 (E) Boys and Girls Clubs are located in
24 289 public housing sites across the Nation;

1 (F) public housing projects in which there
2 is an active Boys and Girls Club have experi-
3 enced a 25 percent reduction in the presence of
4 crack cocaine, a 22 percent reduction in overall
5 drug activity, and a 13 percent reduction in ju-
6 venile crime;

7 (G) these results have been achieved in the
8 face of national trends in which overall drug
9 use by youth has increased 105 percent since
10 1992 and 10.9 percent of the Nation's young
11 people use drugs on a monthly basis; and

12 (H) many public housing projects and
13 other distressed areas are still underserved by
14 Boys and Girls Clubs.

15 (2) PURPOSE.—It is the purpose of this section
16 to provide adequate resources in the form of seed
17 money for the Boys and Girls Clubs of America to
18 establish 1,000 additional local Boys and Girls Clubs
19 in public housing projects and other distressed areas
20 by 2001.

21 (b) DEFINITIONS.—For purposes of this section—

22 (1) the terms “public housing” and “project”
23 have the same meanings as in section 3(b) of the
24 United States Housing Act of 1937; and

1 (2) the term “distressed area” means an urban,
2 suburban, or rural area with a high percentage of
3 high risk youth as defined in section 509A of the
4 Public Health Service Act (42 U.S.C. 290aa–8(f)).

5 (c) ESTABLISHMENT.—

6 (1) IN GENERAL.—For each of the fiscal years
7 1997, 1998, 1999, 2000, and 2001, the Director of
8 the Bureau of Justice Assistance of the Department
9 of Justice shall provide a grant to the Boys and
10 Girls Clubs of America for the purpose of establish-
11 ing Boys and Girls Clubs in public housing projects
12 and other distressed areas.

13 (2) CONTRACTING AUTHORITY.—Where appro-
14 priate, the Secretary of Housing and Urban Devel-
15 opment, in consultation with the Attorney General,
16 shall enter into contracts with the Boys and Girls
17 Clubs of America to establish clubs pursuant to the
18 grants under paragraph (1).

19 (d) REPORT.—Not later than May 1 of each fiscal
20 year for which amounts are made available to carry out
21 this Act, the Attorney General shall submit to the Com-
22 mittees on the Judiciary of the Senate and the House of
23 Representatives a report that details the progress made
24 under this Act in establishing Boys and Girls Clubs in
25 public housing projects and other distressed areas, and the

1 effectiveness of the programs in reducing drug abuse and
 2 juvenile crime.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be
 5 appropriated to carry out this section—

6 (A) \$20,000,000 for fiscal year 1997;

7 (B) \$20,000,000 for fiscal year 1998;

8 (C) \$20,000,000 for fiscal year 1999;

9 (D) \$20,000,000 for fiscal year 2000; and

10 (E) \$20,000,000 for fiscal year 2001.

11 (2) VIOLENT CRIME REDUCTION TRUST
 12 FUND.—The sums authorized to be appropriated by
 13 this subsection may be made from the Violent Crime
 14 Reduction Trust Fund.

Passed the Senate September 18, 1996.

Attest: KELLY D. JOHNSTON,
Secretary.